

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

PATRICK DRAKE, PRO SE,	§	
TDCJ-CID No. 487717	§	
	§	
Plaintiff,	§	
	§	
v.	§	2:06-CV-0002
	§	
DOUGLAS DRETKE, Director TDCJ-CID,	§	
MARGARET McCLEARY,	§	
JAMES L. DANIELS,	§	
GUSTAVO VAQUERA,	§	
GLENN D. STOUDER,	§	
KARL D. PARKS,	§	
DANNY R. HEAD, and	§	
GAYLORD L. THOMPSON,	§	
	§	
Defendants.	§	

MEMORANDUM OPINION AND ORDER OF DISMISSAL

Plaintiff PATRICK DRAKE, proceeding *pro se* and while a prisoner, has filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-named defendants.

On July 13, 2006, the Court issued an Order Denying Motion for Leave to Amend Portions of Complaint and Order to File Amended Complaint. In the Order, the Court noted plaintiff had submitted a motion seeking to alter or add to discretion portions of his 168 page complaint and that his complaint did not comport with the requirement set forth in Rule 8, Federal Rules of Civil Procedure, that it contain a “short and plain statement of the claim” Plaintiff was given until August 1, 2006 in which to file a motion for leave to file amended complaint, with an original and a copy of the proposed amended complaint, utilizing the form promulgated by the Court and available at the unit law library. Plaintiff was also instructed that

“[m]inimal attachment of extra pages will be allowed but must comply with the requirement that plaintiff state his claim briefing and concisely.”

Plaintiff was warned that a failure to timely and fully comply with the Order would result in the dismissal of the instant cause without further notice.

The response period has expired, and plaintiff has failed to comply with the Court's July 13, 2006, Order Denying Motion for Leave to Amend Portions of Complaint and Order to File Amended Complaint or provide any reason to excuse this failure.

IT IS THEREFORE ORDERED:

The referral of the instant cause to the United States Magistrate Judge is hereby withdrawn.

This Civil Rights Complaint is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE AND FAILURE TO COMPLY WITH THE COURT'S ORDER.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk will mail a copy of this Order to the plaintiff and to any attorney of record by first class mail.

IT IS SO ORDERED.

ENTERED this 22nd day of August, 2006.

/s/ Mary Lou Robinson
MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE